

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 16 JAN 2006

PCT

Applicant's or agent's file reference A161409	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/B2004/003255	International filing date (day/month/year) 06.10.2004 ✓	Priority date (day/month/year) 17.10.2003 ✓	
International Patent Classification (IPC) or national classification and IPC A47K10/32			
Applicant GONZALEZ ESCOBAR, Miguel ✓			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet. ✓</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 4 sheets, as follows: ✓</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 02.05.2005 ✓		Date of completion of this report 17.01.2006	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tlx 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Zuurveld, G Telephone No. +31 70 340-4545 	

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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-7 as originally filed

Claims, Numbers

1-7 received on 02.05.2005 with letter of 27.04.2005

Drawings, Sheets

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☒ the claims, Nos. 1-7
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5
	No: Claims	1-4,6-8
Inventive step (IS)	Yes: Claims	5
	No: Claims	1-4,6-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item I

Basis of the report

- 1.1 The amendments filed with the letter dated 21/4/2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the additions to claim 1, in particular the wording "...consist of a device which...". In the application as filed, the original wording reads "...consist of a device **formed by a pin (7)** which..." (cf. original claim 5). See also the description, page 4, lines 3-9 and page 6, lines 1 and 2, in which it is expressly stated that the device is formed by a pin.

Although a pin can be considered to be a device, a device could in fact represent other objects which have not been originally disclosed.

- 1.2 The reasoned statement with regard to novelty and inventive step will therefore be based on the claims as originally filed.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents are referred to in this communication:
D1 : US 6 170 426 B1 (THORSBAKKEN ARDEN L) 9 January 2001 (2001-01-09)
D2 : US 6 613 144 B1 (LOERTSCHER ULRICH ET AL) 2 September 2003 (2003-09-02)
2. INDEPENDENT CLAIM 1
- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (see the corresponding passages cited in the search report):

a toilet paper roll holder (10), of the type comprising a casing (18) which includes means (i.e. the bottom of the casing (18)) for supporting the toilet roll (20) and means for supplying a liquid for dampening said paper, whereby said means for supplying a liquid consist essentially of a dosing element (22) partially closed of a replaceable or rechargeable type which is snapped into the casing.

Therefore, the subject-matter of claim 1 is known from D1.

- 2.2 Besides, the subject-matter of claim 1 is also known from D2, see the corresponding passages cited in the search report.

3. DEPENDENT CLAIMS 2-4, 6-8

Dependent claims 2-4, 6-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), see documents D1 and D2 and the corresponding passages cited in the search report.

It is to be noted that the features of claim 4 are unclear, Article 6 PCT: the claim attempts to define the subject-matter in terms of the result to be achieved, i.e. stop means which can prevent the toilet paper roll from revolving, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result, cf. PCT Guidelines 5.35.

However, such means are known from D1, because if the casing (18) is pressed, in one way or another, the casing walls will make contact with the paper roll and thereby act as stop means preventing the paper roll from revolving. The same applies to roll holder (2) in document D2, cf. D2, fig. 1.

4. DEPENDENT CLAIM 5

The combination of all the features of claims 1, 4 and 5 would have met the criteria of

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Article 33(1) PCT, because such a combination of features is not disclosed in or suggested by the available prior art.